

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Power Authority of the State of New York,

Plaintiff,

v.

The tug *M/V ELLEN S. BOUCHARD*, and the barge
B. NO. 280, their engines, apparel, tackle, boats,
appurtenances, etc., *in rem*, and Bouchard
Transportation Co., Inc., Motor Tug Ellen S.
Bouchard, Inc., and B. No. 280 Corp., *in personam*,

Defendants.

IN THE MATTER OF THE COMPLAINT OF

BOUCHARD TRANSPORTATION CO., INC.,
MOTOR TUG ELLEN S. BOUCHARD INC., and B.
NO. 280 CORPORATION,

AS OWNERS, OWNERS *PRO HAC VICE*, AND
OPERATORS OF THE:

BARGE B. NO. 280 and TUG ELLEN S.
BOUCHARD

Power Authority of the State of New York,

Plaintiff,

v.

The tug *M/V ELLEN S. BOUCHARD*, and the barge
B. NO. 280, their engines, apparel, tackle, boats,
appurtenances, etc., *in rem*, and Bouchard
Transportation Co., Inc., Motor Tug Ellen S.
Bouchard, Inc., and B. No. 280 Corp., *in personam*,

Defendants.

CASE NO. 14-cv-0617 (PAC)

CASE NO. 14-cv-1262 (PAC)

CASE NO. 14-cv-4462 (PAC)

~~PROPOSED~~ **CONSENT ORDER OF DISMISSAL WITH PREJUDICE**

These cases came before the Court upon the statements of counsel and the entire record of these matters.

The Court has been advised by counsel that all matters and controversies in these cases have been resolved and that the cases have been settled.

IT IS THEREFORE ORDERED THAT as to *Power Authority of the State of New York v. M/V ELLEN S. BOUCHARD, and the Barge B No. 280, their engines, apparel, tackle, boats, appurtenances, etc., in rem, and Bouchard Transportation Co., Inc., Motor Tug Ellen S. Bouchard, Inc., and B No. 280 Corp., in personam*, Case No. 1:14-cv-00617 (PAC) all claims asserted by the Plaintiff against the Defendants in this case are dismissed with prejudice and that each party will bear their respective fees and costs; and,

IT IS FURTHER ORDERED THAT as to *In re Bouchard Transportation Co., Inc., Motor Tug Ellen S. Bouchard, Inc. and B. No. 280 Corporation, as Owners, Owners Pro Hac Vice, and Operators of the: Barge B No. 280 and Tug Ellen S. Bouchard*, Case No. 1:14-cv-01262 (PAC) all claims asserted by the Limitation Plaintiffs and Limitation Defendants/Claimants in this case are dismissed with prejudice and that each party will bear their respective fees and costs; and,

IT IS FURTHER ORDERED THAT in Case No. 1:14-cv-01262 (PAC), the Amended Ad Interim Stipulation for Value in the Form of a Letter of Undertaking (Doc. No. 58), dated August 28, 2014, submitted by the American Steamship Owners Mutual Protection and Indemnity Association, Inc. ("American Club") as its undertaking for the value of the Tug Ellen S. Bouchard in principal amount of \$4,088,200 to stand as security for claims asserted in this action is and shall be rescinded, shall be deemed to be fully discharged and shall thereafter be considered to be null and void; and,

IT IS FURTHER ORDERED THAT in Case No. 1:14-cv-01262 (PAC), the Amended Ad Interim Stipulation for Value in the Form of a Letter of Undertaking (Doc. No. 64), dated October 14, 2014, submitted by the American Club as its undertaking for the value of the Barge B No. 280 in principal amount of \$15,000,000 to stand as security for claims asserted in this action is and shall be rescinded, shall be deemed to be fully discharged and shall thereafter be considered to be null and void; and,

IT IS FURTHER ORDERED THAT as to *Power Authority of the State of New York v. M/V ELLEN S. BOUCHARD, and the Barge B No. 280, their engines, apparel, tackle, boats, appurtenances, etc., in rem, and Bouchard Transportation Co., Inc., Motor Tug Ellen S. Bouchard, Inc., and B No. 280 Corp., in personam*, Case No. 1:14-cv-04462 (PAC) all claims asserted by the Plaintiff against the Defendants in this case are dismissed with prejudice and that each party will bear their respective fees and costs; and,

IT IS FURTHER ORDERED THAT in Case No. 1:14-cv-04462 (PAC), the Letter of Undertaking, dated September 11, 2014, provided by the American Club to the Plaintiff in principal amount of \$10,000,000 to stand as security for the *in rem* claims asserted in this action is and shall be rescinded, shall be deemed to be fully discharged and shall thereafter be considered to be null and void.

SO ORDERED.



UNITED STATES DISTRICT JUDGE

2/9/2021

DATE

SUBMITTED AND CONSENTED TO BY:

FREEHILL HOGAN & MAHAR, LLP

By: 

John J. Walsh
Wayne D. Meehan
Gina M. Venezia
80 Pine Street
New York, New York 10005
Telephone: (212) 425-1900
Telefax: (212) 425-1901
E-mail: walsh@freehill.com
meehan@freehill.com
venezia@freehill.com

HOLLAND & KNIGHT LLP

By: 

James H. Hohenstein
Vincent J. Foley
F. Robert Denig
Clayton J. Vignocchi
31 West 52nd Street
New York, New York 10019
Tel: (212) 513-3200
Telefax: (212) 385-9010
E-mail: jim.hohenstein@hklaw.com
vincent.foley@hklaw.com
robert.denig@hklaw.com
clayton.vignocchi@hklaw.com

*Attorneys for Defendants/Limitation Plaintiffs:
Bouchard Transportation Co., Inc., Motor Tug
Ellen S. Bouchard, Inc. and B. No. 280
Corporation*

*Attorneys for Plaintiff/Limitation
Defendant/Claimant: Power Authority of the State
of New York*

COZEN O'CONNOR

By: 

Peter G. Rossi
45 Broadway, 16th Floor
New York, NY 10006
Tel: (212) 509-9400
E-mail: PRossi@cozen.com

**FORAN GLENNON PALANDECH PONZI &
RUDLOFF PC**

By: 

James B. Glennon (*pro hac vice*)
202 North LaSalle Street
Suite 1400
Chicago, Illinois 60601
Tel: (312) 863-5000
E-mail: jglennon@fgppr.com

*Attorneys for Limitation Defendants/ Claimants:
Princeton Excess & Surplus Lines Insurance
Company, Westport Insurance Corporation,
Aspen Specialty Insurance Company, Navigators
Management Company, Inc., New York on behalf
of Lloyd's Syndicates: 1221 Navigators, 4000
Pembroke and 2015 Channel and National Union
Fire Insurance Company of Pittsburgh, PA.*

-and-

Peter Billis
40 Wall Street, 54th Floor
New York, New York 10005
Tel: (212) 257-7100
E-mail: pbillis@fgppr.com

*Attorneys for Limitation Defendants/ Claimants:
Associated Electric & Gas Insurance Services
Limited, Energy Insurance Mutual Limited, Brit
Global Specialty USA and Talbot Underwriting
Services (US) Ltd.*

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